

**REMARKS**

This application has been carefully considered in connection with the Examiner's Office Action dated July 16, 2008. Reconsideration and allowance are respectfully requested in view of the following.

**Summary of Rejections**

Claims 1-22 were pending at the time of the Office Action.

Claims 1-22 were objected because of informalities.

Claims 1-12 and 21 were rejected under 35 USC 112, second paragraph.

Claim 13 was rejected under 35 USC § 102(3) as being anticipated by Couch, et al., U.S. Publication No. 2003/0126109 ("Couch").

Claims 13, 14 and 21 were rejected under 35 USC § 103(a) as being unpatentable over Hamilton, et al., U.S. Publication No. 2003/0182464 ("Hamilton") in view of Couch.

Claims 15-18 and 22 were rejected under 35 USC § 103(a) as being unpatentable over Hamilton in view of Couch, and further in view of Robinson, U.S. Publication No. 2003/0115366 ("Robinson").

Claims 19 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Hamilton in view of Couch, and further in view of Robinson, and further in view of Landfield, et al., U.S. Patent 5,928,333 ("Landfield").

**Summary of Response**

Claims 1-22 are currently amended.

Remarks and Arguments are provided below.

**Summary of Claims Pending**

Claims 1-22 are currently pending following this response.

**Response to Objections**

Claims 1-22 were objected to because of informalities. Claims 1-22 are amended herein to read -- computer-implemented -- as suggested in the Office Action. Claim 1 is amended herein to remove the language "for . . ." suggesting intended uses.

**Response to Rejections under Section 112**

In the Office Action dated July 16, 2008, claims 1-12 and 21 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action stated that claim 1 recited the limitation "the second systems" in line 4 without sufficient antecedent basis for this limitation in the claim. Claim 1 is amended herein to recite "the one or more second systems," which has sufficient antecedent basis for this limitation in the claim.

The Office Action stated that the use of language "operable to" in claims 4-7 and 10-12 make it unclear what Applicant's intended metes and bounds of the claim are, because the language "operable to" suggests an option that may or may not happen,

such that the claim appears to cover anything and everything that does not prohibit actions from occurring. Applicant has amended claims 4-7 and 10-12 to read -- configured to -- as suggested in the Office Action.

The Office Action stated that claim 21 recited the limitation "the test application" in line 3 with insufficient antecedent basis for this limitation in the claim. Applicant has amended claim 21 to provide sufficient antecedent basis for this limitation in line 3.

Claims 2, 3, 8 and 9 were rejected as incorporating the deficiencies of rejected claim 1 upon which they depend. Applicant has amended claim 1 to remove the alleged deficiencies.

Applicant believes these amendments overcome the objections and respectfully requests withdrawal of the 112 rejection for these claims.

### **Allowable Subject Matter**

The Office Action dated July 16, 2008, indicated that claims 1-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC § 112, second paragraph and claim objections set forth in the Office Action. Applicant has amended claims 1-12 to overcome the rejection(s) under 35 USC § 112, second paragraph and claim objections set forth in the Office Action. Applicant respectfully requests allowance of claims 1-12.

### **Response to Rejections under Section 102**

In the Office Action dated July 16, 2008, claim 13 was rejected under 35 USC 102(e) as being anticipated by Couch.

**Claim 13:**

I. Claim 13 is amended herein to include limitations substantially similar to claim 1, which the Office Action indicated would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC § 112, second paragraph and claim objections set forth in the Office Action. For at least the reasons that the Office Action indicated claim 1 would be allowable, Applicant respectfully submits that amended independent claim 13 is not anticipated by Couch and respectfully requests allowance of this claim.

**Response to Rejections under Section 103****Claims Depending from Claim 13:**

In the Office Action dated July 16, 2008, claim 14 was rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Couch.

In the Office Action dated July 16, 2008, claims 15-18 were rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Couch, and further in view of Robinson.

In the Office Action dated July 16, 2008, claims 19 and 20 were rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Couch, and further in view of Robinson, and further in view of Landfield.

Dependent claims 14-20 depend directly or indirectly from amended independent claim 13 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in section I above, Applicant respectfully submits that claims 14-20 are not taught or suggested by Hamilton in view of Couch and respectfully requests

allowance of this claim. Neither Robinson nor Landfield, in combination or alone, cure the deficiencies of Hamilton in view of Couch.

**Claim 21:**

II. Claim 21 is amended herein to include limitations substantially similar to claim 1, which the Office Action indicated would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC § 112, second paragraph and claim objections set forth in the Office Action. For at least the reasons that the Office Action indicated claim 1 would be allowable, Applicant respectfully submits that amended independent claim 21 is not anticipated by Couch and respectfully requests allowance of this claim.

**Claims Depending from Claim 21:**

In the Office Action dated July 16, 2008, claim 22 was rejected under 35 USC 103(a) as being unpatentable over Hamilton in view of Couch, and further in view of Robinson.

Dependent claim 22 depends directly or indirectly from amended independent claim 21 and incorporates all of the limitations thereof. Accordingly, for at least the reasons established in section II above, Applicant respectfully submits that claim 22 is not taught or suggested by Hamilton in view of Couch and respectfully requests allowance of this claim. Robinson does not cure the deficiencies of Hamilton in view of Couch.

**Conclusion**

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: October 16, 2008

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